

# Staff Summary Report



Hearing Officer Hearing Date: April 17, 2007

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by the **WEHRMAN RESIDENCE (PL070028)** located at 2056 East Knox Road for one (1) variance.

**DOCUMENT NAME:** 20070417dssa01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **WEHRMAN RESIDENCE (PL070028)** (Mark Wolter/DesZona Design, applicant; Mark Wehrman, property owner) located at 2056 East Knox Road in the R1-15, Single Family Residential District for:

**VAR07011** Variance to reduce the rear yard setback from 30 feet to ~~14~~ 15 feet.  
**CORRECTED BY STAFF**

**PREPARED BY:** Steve Abrahamson, Senior Planner (480-350-8486)

**REVIEWED BY:** N/A

**FINAL REVIEW BY:** Lisa Collins, Planning Director (480-350-8989)

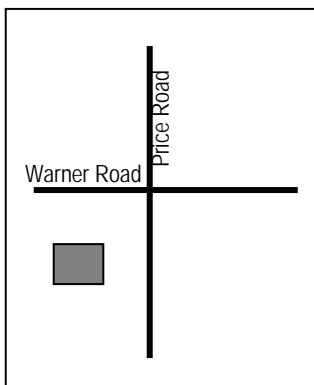
A handwritten signature in black ink, appearing to be 'L Collins', written over the printed name.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Denial

**ADDITIONAL INFO:** The Wehrman Residence is requesting a variance to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet to build an accessory garage / workshop to their existing home. The proposed addition will encompass approximately 945 s.f.. Staff recommends denial of the variance owing to lack of hardship, special circumstances unique to this property or the potential loss of substantial property rights. To date, opposition has been received to the request from five (5) neighbors.



**ATTACHMENTS:**

1. List of Attachments
  2. Comments; Neighborhood Meeting, Variance Rational,
  3. Conclusion; Reasons for Denial, Conditions of Approval; History & Facts/Description
  4. Zoning & Development Code Reference
- 
- A. Location Map(s)
  - B. Aerial Photo(s)
  - C. Letter of Intent
  - D. Letters of Opposition
  - E. Neighborhood Meeting Minutes
  - F. Neighborhood Meeting Roster
  - G. Site Plan
  - H. Floor Plan(s)
  - I. Elevation(s)
  - J. Staff Photograph(s)

## COMMENTS:

The Wehrman Residence is requesting a variance to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet to build an additional garage / workshop to their existing home. Initially, the applicants applied for a variance to reduce the setback to eleven (11) feet, but modified the request after it was advertised. The proposed garage / w addition will encompass approximately 945 s.f..

The applicants indicated the garage / workshop will be utilized as a space to store tools, air compressors and machinery. Within the letter of intent, the owner's agent indicates a gazebo constructed in 2001 did not require a variance, even though it was constructed in the same, rear yard setback. Since 2001, there have revisions to the Zoning and Development Code. Today, a proposal for the same gazebo, in it present location, would require both a variance and a use permit.

A redesign of the project may negate the need for a variance. We encourage the applicant to explore other designs and options that conform to the setback standards in the R1-15, Single-Family Residential District. Potentially, staff would recommend approval of a use permit standard allowing for a 20% reduction in the rear yard setback from the required thirty (30) feet to twenty-four (24) feet.

There is a history of Hearing Officer approved side yard setback variances within the subject property's neighborhood, yet none for rear yard setback variances.

To date, staff has received four (4) letters of opposition representing five (5) neighbors. The applicant provided a list attached to the meeting roster that he indicates is a petition of support (although there is no text included that specifically calls this out). This list is signed by eight (8) individuals who "have shown no objection to the project".

## Neighborhood Meeting

The applicant held a neighborhood meeting, previously advertised in accordance with the Zoning and Development Code requirements, on March 2, 2007 at 6:30 p.m.. Five (5) neighbors representing five (5) households from the neighborhood attended. One attendee did not sign the roster, but stopped-by to drop-off a letter of opposition. Other than that individual, the applicant indicated no others at the meeting opposed the project or the variance request.

## Variance

The Zoning and Development Code requires that a variance be sought and obtained for any encroachments into required setbacks. The variance provides relief from the standards of the Zoning and Development Code where strict interpretation of the Code would deprive a property of privileges enjoyed by other properties of the same classification in the same zoning district R1-15 (Single-Family Zoning District). This variance request does not meet applicable tests in the following manner:

Evaluating the variance, the proposal does not appear to pass the approval criteria listed below:

- a. That there are special circumstances or conditions applying to the land, building or use referred to in the application;
  - The proposal's lot is essentially rectangular with potentially developable space elsewhere on the property.
- b. The authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
  - There may exist other options for this property. Potentially, a redesign could negate the need for a variance. Further, the Zoning and Development Code allows for a Use Permit Standard reduction of the rear yard setback by 20% (from the required thirty (30) feet to twenty-four (24) feet).

## Conclusion

Staff recommends denial of the request for the variance.

### REASON(S) FOR DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

### CONDITION(S) OF APPROVAL:

1. The variance is valid for the plans as submitted within this application.
2. Obtain all necessary clearance from the Building Safety Division.
3. The addition shall match the existing residence in design, color and material.

## HISTORY & FACTS:

February 13, 1987	Final inspection for a 4,525 s.f. single-family residence.
February 18, 1999	Final inspection for a 350 s.f. swimming pool.
November 21, 2001	Final inspection for a free-standing accessory 20' x 25' gazebo.

## DESCRIPTION:

Owner – Mark Wehrman  
Applicant – Mark Wolter/DesZona Design  
Existing zoning – R1-15, Single Family Residential District  
Lot Area – 18,591 s.f. / .43 Acres  
Existing Home Area – 4,525 s.f.  
Proposed Addition Area – 945 s.f.  
Existing Gazebo Area – 500 s.f.  
Proposed Total Building Footprint – 5,970 s.f.  
Existing Lot Coverage – 27%  
Proposed Lot Coverage – 32.1%  
Maximum Allowable Lot Coverage – 45%  
Current Rear Yard Setback – 30'-0"  
Proposed West Side Yard Setback – 15'-0"  
Required Side Yard Setback - 30'-0"

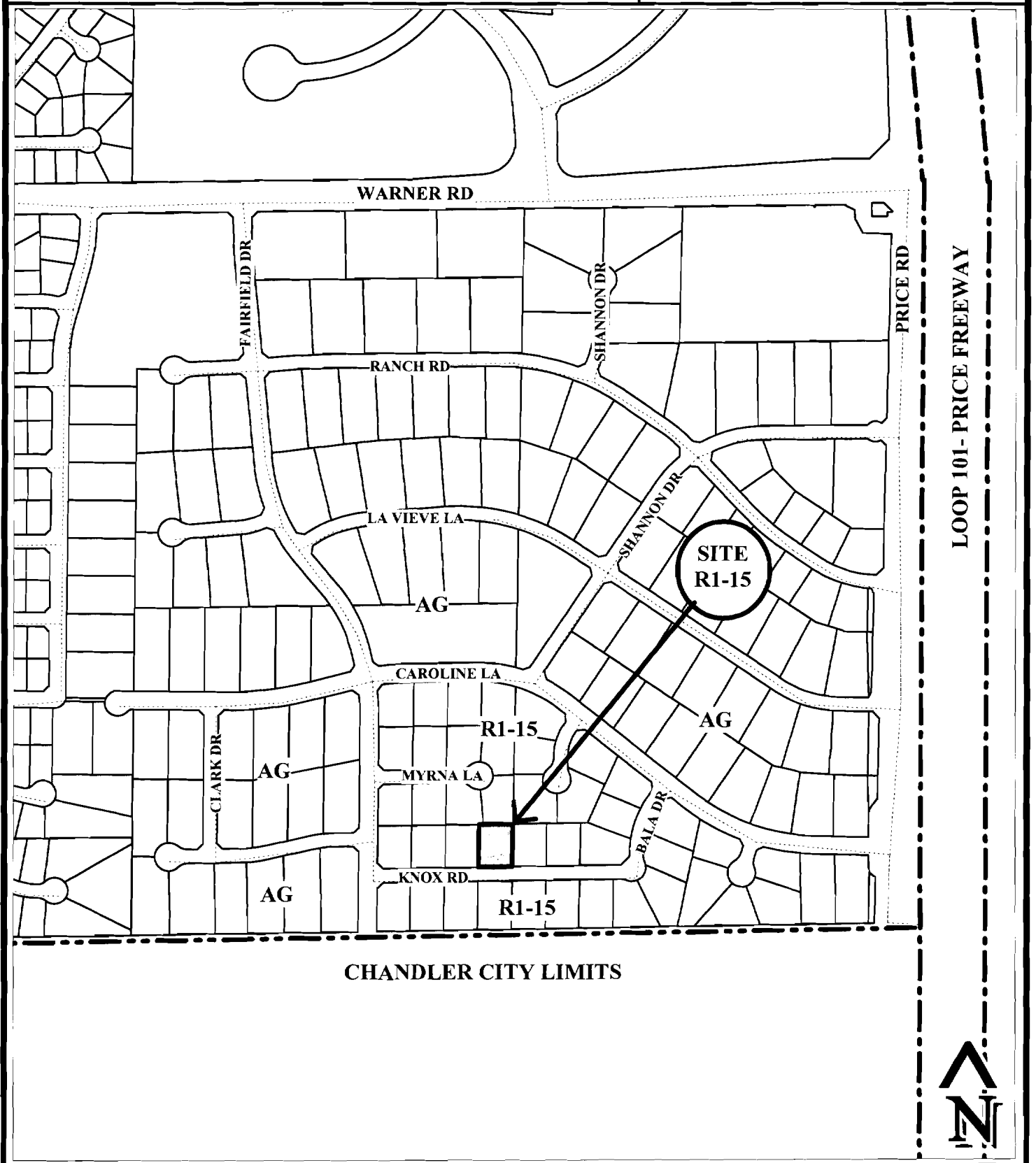
**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

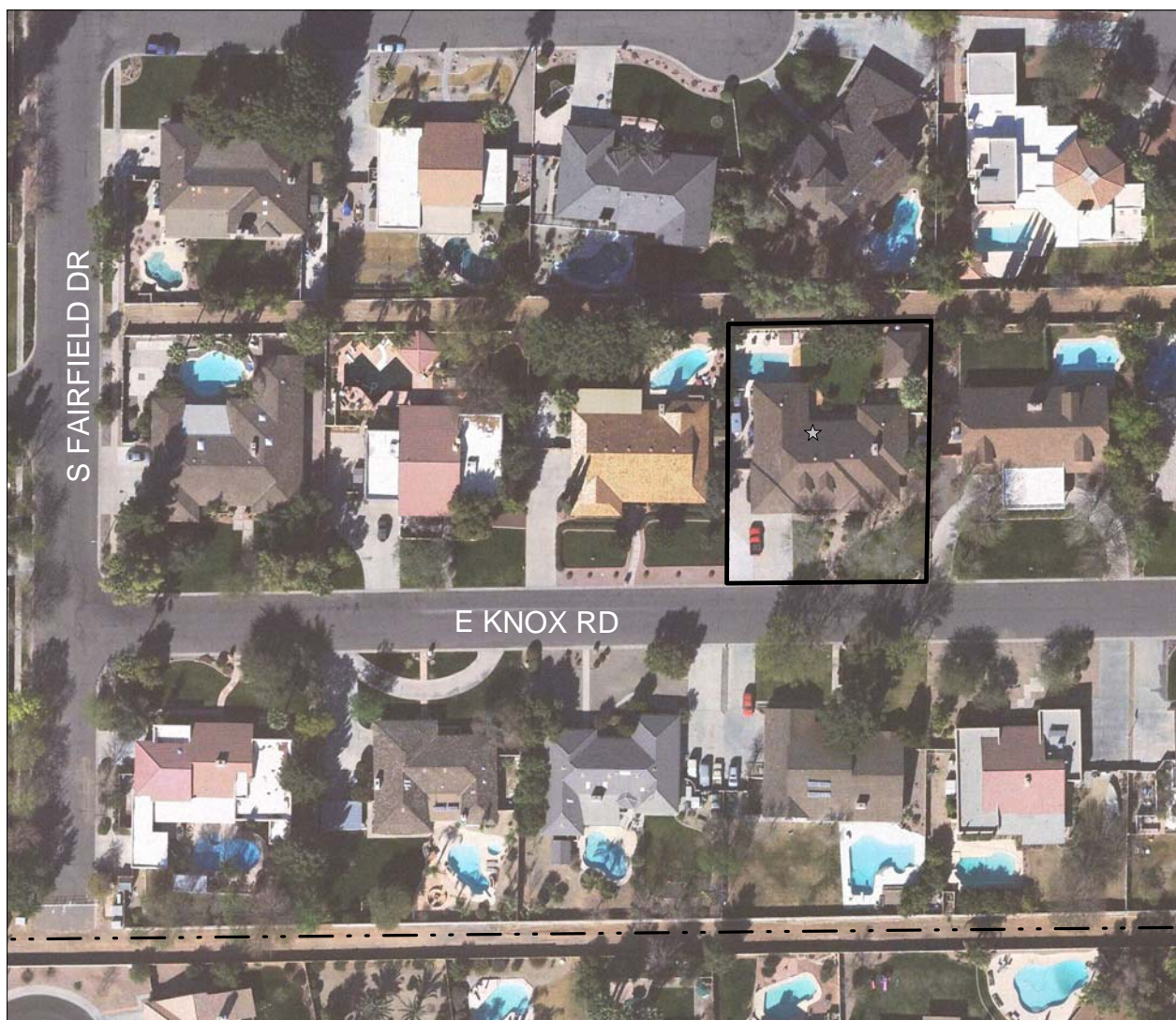
Part 4, Chapter 2, Section 4-202A – Development Standards for Residential Districts

Part 6, Chapter 3, Section 6-309 - Variances

**WEHRMAN RESIDENCE**

**PL070028**





WEHRMAN RESIDENCE (PL070028)

# DesZona

## DESIGN BUILD LLC

April 3, 2007

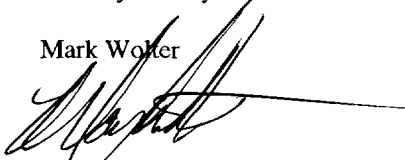
To Whom it May Concern;

This application for a Zoning Variance for the residence located at 2056 E. Knox road Tempe Arizona 85284 for Mr. & Mrs. Wehrman, is for an approximately 800 S.F. 27'x30' garage addition to the back of the existing house. We feel that this addition will be beneficial to both the Wehrmans and the neighbors, in the since that Mr Wehrman can work on his WWII army trucks in the confines of the new garage. Currently they are parked on the side yard (west side). When Mr Wehrman has to make any modifications he ends up working on the trucks in his front side yard, which the home owner association isn't to pleased about. The garage will allow Mr Wehrman to keep his tool in an enclosed place so the air compressors and other machinery will be inside instead of in his front garage where he has to keep the doors open because he cant park the truck in the existing garage due to height restraints. Also with the addition to the house it will increase the value of the property and the surrounding property. Upon review of the surrounding neighborhood we have found many neighbors with detached garages like the one were proposing. However most of these garages back right up to the existing rear wall / equestrian trail (see attached map and pictures). We plan on maintaining approx 4' from the back face of wall to the rear wall where we can plant some landscape to soften the impact of the structure. In addition we are proposing to raise the perimeter wall 2 courses based on the neighborhood meeting held March 2, 2006 at 6:30 pm at the residence, where neighbors voiced their concerns and compromises were made to make neighbors happy. When the Wehrmans purchased this property the zoning restraints were different and the City of Tempe had no problem letting him put a 25'x25' gazebo in his back yard which required a building permit in 1999 which is 5' off the same rear wall. I was informed by The City of Tempe planning department when I first started on this project that the City had revised the zoning set back over the past 2 years which mandated the new 30' setback. However having this space on the lot is the reason the Wehrmans purchased the property because they had the space to make changes to the house but now with the new requirements it limits them from making any new changes to their house.

In order to accomplish this we need to go into the rear setback with the proposed garage. We will maintain the west setback and the rear of the garage will be 15' off the property line leaving approx 4' between the existing rear wall and the new back wall of the garage. In addition the existing wall will be raised 2 courses and landscaping placed along the rear and west walls in the back yard, per comments from the neighborhood meeting held on March 2, 2006. The architectural character of the house will follow the existing style of the existing residence and the roof structure will extend from the rear of the house over the new garage. The garage door opening will face west and be access through the side setback area. The east side of the garage will open up on the existing backyard and have an overhang to match the existing residence. There will be a 5' breezeway between the existing house and new garage to maintain ingress/egress access to the bedroom windows to meet local building codes.

Thank you for your time and consideration of this project.

Mark Wolter



DesZona Design  
43810 N. JackRabbit Road  
Queen Creek Arizona 85242

RECEIVED  
07 APR -9 AM 7:44  
TEMPERANCE DEPARTMENT  
SERVICES DEPARTMENT

43810 N. JackRabbit Road, Queen Creek, Arizona 85242  
Phone: 480-288-7263 Fax: 480-288-7264  
Email: DesZona@azzsandtoys.com



City of Tempe  
Case 070028

To whom it may concern,

It has been brought the boards attention one of our members has applied for a variance to build into their property setback.

This variance is a violation of our CCR's and a violation of privacy of the homes surrounding the property.

I personally bought my home in Circle G because of the large distance each home has to the other.

I have attached a copy of pages 9 and 10 of our CCR's stating the required setbacks.

Please note the lot is a R1-15

Regards,  
Lisa Hart  
HOA President

RECEIVED  
MAR 28 10:38 AM  
CITY OF TEMPE  
SERVICES DEPARTMENT

To City of Tempe  
480-350-8872

From  
Lisa Hart  
Circle G Ranches  
HOA President  
602-339-0951

Case # PL070028

DKI1329070686

said lots or tracts. All roofs must be of either tile or wood shake construction.

3.9 Minimum Livable Area: All single-family residences constructed within CIRCLE G RANCHES 4, UNIT 1, shall contain a minimum livable area of 2,200 square feet on grade level if one story, with or without basement, and 2,000 square feet on the grade level if two story. A split level home containing a grade level, sub-grade level and above grade level shall contain a minimum livable area of 2,200 square feet on the grade level and sub-grade level combined. All square footage requirements shall be exclusive of open porches, pergolas or attached garages. Additional Properties may be developed with smaller square footage requirements, provided, however, that such Additional Properties must be in harmony with the aesthetic and architectural design of CIRCLE G RANCHES 4, UNIT 1.

3.10 Plan Approval: Except as provided herein, no single-family residence, garage, barn, stable or shed, fence or other structure shall be constructed within CIRCLE G RANCHES 4, UNIT 1, without having first obtained the prior approval of design, location and materials by the CIRCLE G RANCHES 4 ARCHITECTURAL CONTROL COMMITTEE as described herein. All such approvals shall be obtained pursuant to the provisions and requirements of Article IV herein.

3.11 Commencement of Construction: No garage, barn, stable or similar structure shall be erected on any lot until construction of the primary single-family residence (complying with these restrictions) shall have been commenced on said lot,

DKT132906697

and no garage or barn shall be maintained or occupied until construction on said single-family residence is finished and ready for occupancy. Any garage, barn, stable or similar structure erected on any lot shall be of the same design and constructed of the same materials as the permanent residence on said lot.

3.12 Permanent Structure: No garage, barn, stable, tack room, trailer, mobile home, motor home, motor vehicle, or any temporary structure of any nature may be used temporarily or permanently as a residence on any lot or tract. All permanent structures on all lots shall comply with all minimum yard set back requirements established by the zoning ordinance of the City of Tempe, as it may be amended from time to time. (Said set-back requirements are presently as follows :

	<u>A.G.</u>	<u>RI-15</u>
FRONT	40	35
SIDE	20	15
REAR	35	30
STREET SIDE*	25	20

\*The street side of yard of corner lots adjacent to key lots shall be increased by 10 additional feet.)

3.13 Fenced Areas: A fence designed or used for the containment of horses may be built and maintained up to and conterminous and even with the front line of a residential dwelling, providing that the location, design and type of

March 13, 2007

Hearing Officer  
P.O. Box 5002  
Tempe, AZ 85280-5002

**FILE COPY**

Re: Wehrman Residence  
PL070028  
2056 E. Knox Rd.


To Whom It May Concern:

We live catty-cornered behind the Wehrman residence and we want to go on record that we strongly oppose the variance requested by Mark Wehrman to reduce the rear yard setback. We have no doubt the Wehrman's would build an attractive garage, but this variance would literally place the south wall of their new garage right on their rear fence line. These particular lots in Circle G Ranches are only a half acre and are too small to accommodate this garage.

We purchased a lot in Circle G Ranches, not only because it was in Tempe, but because it was spacious; there was room to move and it had a country feel. We didn't want a tract home on a small lot where you feel the homes are right on top of you. If everyone was allowed to build this close to the back fence we would all feel closed in and defeat the purpose of spending the money to buy a larger lot in a custom home community.

The setbacks were established to help maintain the feeling of openness and protect our investment. We have lived in Tempe for almost 25 years and we are confident the City of Tempe will maintain and enforce the established setbacks.

Sincerely,



Craig L. Webb  
2051 E. Myrna Lane  
Tempe, AZ 85284

cc: Architectural Control Committee  
Circle G Ranches

**RECEIVED**  
07 MAR 15 AM 10:58  
TEMPE DEVELOPMENT  
SERVICES DEPARTMENT

Circle G Ranches  
Architectural Control Committee

March 14, 2007

City of Tempe  
Planning & Development Committee

Re: PL070028; Wherman Residence

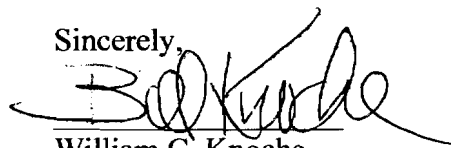
Dear Sir or Madam:

The Circle G Ranches Architectural Control Committee understands that the Whermans have applied for a variance respecting their property at 2056 E. Knox, Tempe, Arizona. The home is within Circle G Ranches. I am the Chairman of Circle G Ranches' Architectural Control Committee.

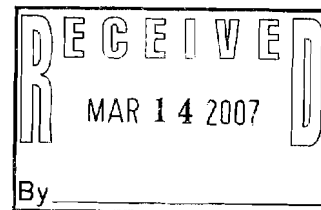
The variance requests a change from the existing 30' rear-yard setback. Specifically, the Wehrmans request a change to an 11' setback.

The Architectural Control Committee objects to this requested variance. The Wherman request seeks a more than 60% reduction in the present setback. The Committee does not believe this request is appropriate and by this letter states its objection. I understand that the Circle G Ranches HOA is also submitting a letter objecting to the requested variance.

Sincerely,



William C. Knoche  
(602) 703-2811



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07 MAR 14 PM 2:46  
TEMPE PLANNING & DEVELOPMENT  
SERVICES DEPARTMENT

FILE COPY

March 1<sup>st</sup>, 2007

To:  
City of Tempe and  
Circle G Ranches Homeowners Association;

**FILE COPY**

We are the neighbors in the Circle G Ranches of the residence at:  
2056 E. Knox Rd. Tempe, AZ 85284

We strongly object to the proposed variance sought by its owner because of the following reasons:

1. Invasion of privacy,
2. Diminution of esthetics,
3. Excessive noise,
4. Loss of our properties values.

As good neighbors, we wish no hard feelings and value our mutual friendship. However, we must express our deepest grievance in such possible changes to our basic HOA CC&R and architectural rules and regulations, which so profoundly affect the enjoyment of our homesteads.

Signed by:

*Jeffrey & Pearl Lee*  
JEFFREY & PEARL LEE 2057 E. MYRNA LANE Tempe AZ 85284

*Craig Webb*  
Craig Webb 2051 E. Myrna Ln Tempe AZ 85284

RECEIVED  
07 MAR -6 PM 2:31  
85284  
TEMPERLEY  
SERVICES DEPARTMENT

# DesZona

DESIGN BUILD LLC

March 2, 2007 6:30 p.m.

## Neighborhood Meeting Minutes

Mr. & Mrs. Wehrman

2056 E. Knox Road, Tempe, Arizona 85284

Meeting started at 6:30 at the above address 5 neighbors showed up for the meeting Mr. Lee dropped off a petition against the proposed variance than left after 5 min.

Mr. Graig Webb voiced his opinion opposing the garage stating that he has been here for 22 years and moved to Circle G Ranch because of the open area, and likes the way things are now. Mr Wehrman and Mrs. Murphy voiced that up until recently there used to be a line of shrubs on Mr. Webb's south property line, which has been recently been trimmed back and they can see into Mr. Webb's backyard and patio. Mr. Webb said he has no doubts that the garage will look good since we are matching the existing exterior materials of the building.

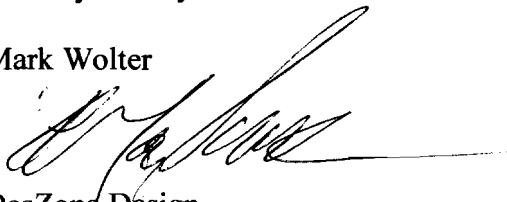
Mr. Wehrman decided that he wants to hold the garage back 2 or 3 feet from the existing rear wall at the equestrian trail (the 11' easement line) he feels it would look better on the neighbors side if the existing wall remained and the new structure is blocked by the existing wall which will be raised 2 courses.

Mrs Murphy made a comment about how much she will be able to see from her yard. We discussed that the existing fascia line is at 7' and the existing wall is at 6' high. Mrs Murphy and Mr. Wehrman decided that it would be best to add a course or 2 to the existing wall making it either 6'-8" or 7'-4".

The meeting ended at 7:10 p.m.

Thank you for your time and consideration of this project.

Mark Wolter



DesZona Design  
43810 N. JackRabbit Road  
Queen Creek Arizona 85242

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TEMPERANCE DEVELOPMENT  
SERVICES DEPARTMENT

43810 N. JackRabbit Road, Queen Creek, Arizona 85242  
Phone: 480-288-7263 Fax: 480-288-7264  
Email: [DesZona@azsandtoys.com](mailto:DesZona@azsandtoys.com)



# DesZona

DESIGN BUILD LLC

March 2, 2007 6:30 p.m.

## Neighborhood Meeting Sign-In Roster

Mr. & Mrs. Wehrman

2056 E. Knox Road, Tempe Arizona 85284

Name	Address
1. Craig Webb	2051 E. Myrna Lane Tempe 85284
2. Kate Godwin	2108 E. Knox Rd Tempe 85284
3. GILLIAN MURPHY	2050 E KNOX RD TEMPE 85284
* 4. AL LACANNE	2127 E. Knox Rd TEMPE 85284
5. Jim Hoffman	2046 E Knox Rd TEMPE 85284
6. WALTER DONG	2049 E. KNOX RD TEMPE 85284
7. Barbara Jones	2055 E KNOX TEMPE 85284
8. RB Dost	2130 E Knox TEMPE 85284
9. Karley Carter	2040 E Knox TEMPE, 85284
10. Helle Welt	2115 E. Knox Rd Tempe AZ 85284
11. Matthew Jones	2045 E Knox Rd Tempe AZ 85284
12. Sam Avram	2116 E Knox Rd. Tempe, AZ 85284
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TEMPE DEVELOPMENT  
SERVICES DEPARTMENT

43810 N. JackRabbit Road, Queen Creek, Arizona 85242

Phone: 480-288-7263 Fax: 480-288-7264

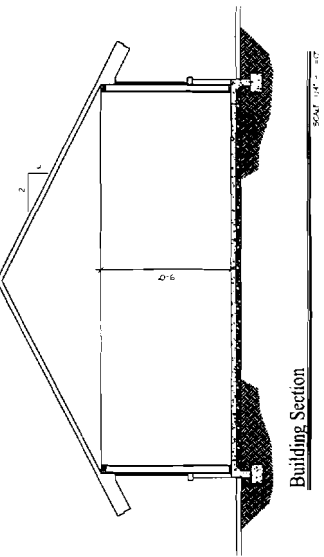
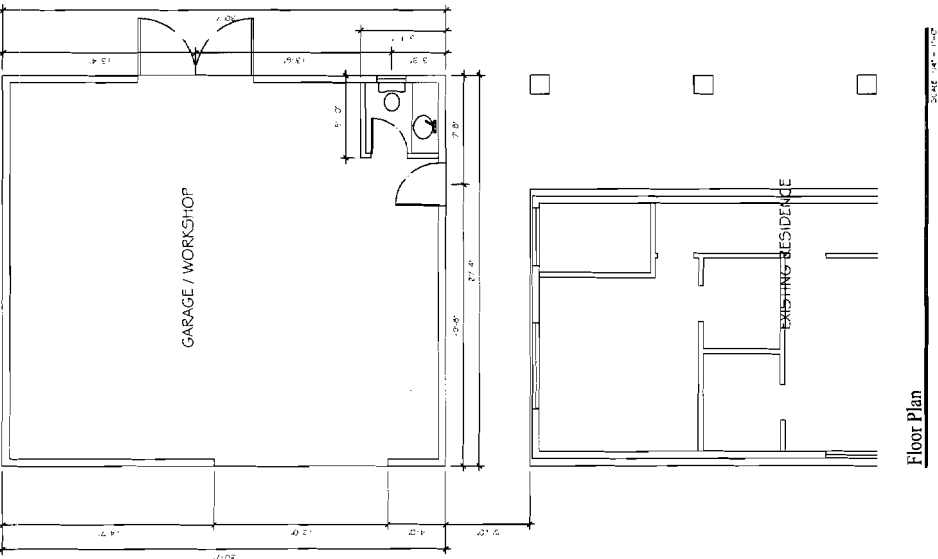
Email: [DesZona@azsandtoys.com](mailto:DesZona@azsandtoys.com)

\* Unless noted otherwise, these neighbors were not at the meeting, but have shown no objection to the Project



Remodel / Addition for the Wehrman Residence  
2056 E. Knox Rd.  
Tempe, Arizona 85284

DesZona  
DESIGN BUILD, LLC  
4913 South Rural Drive, Apache Junction, AZ 85220  
PH: (480) 285-7263 FAX: (480) 285-7264  
Email: DesZona@desazona.com

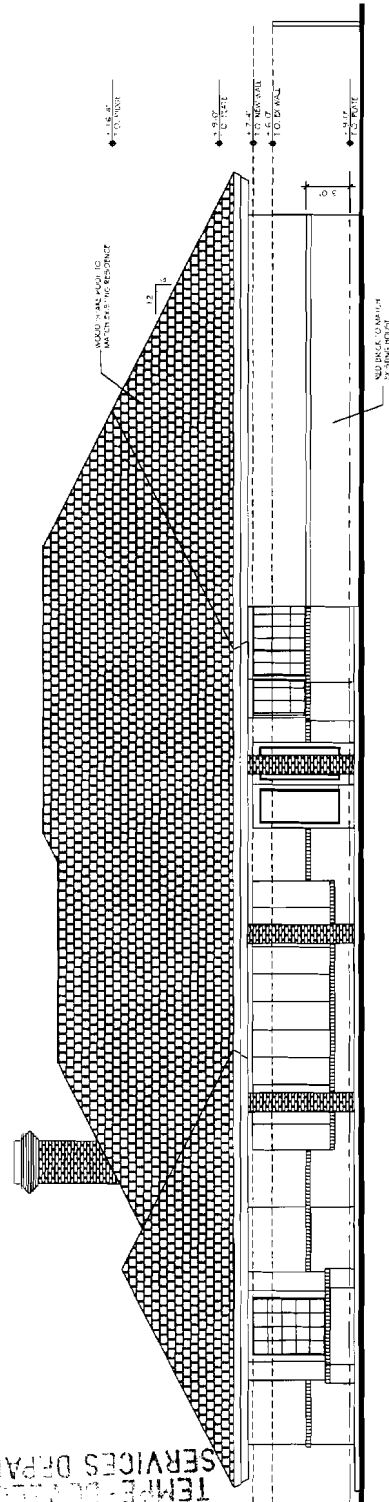


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07 MAR 28 AM 10:38  
TEMPE EQUIPMENT  
SERVICES DEPARTMENT

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TEMPER-DEPARTMENT  
SERVICES DEPARTMENT

Prepared By:  
**DesZona**  
DESIGN BUILD, LLC  
4513 South Main Drive - Phoenix, Arizona 85034  
P: (480) 288-7263 FAX: (480) 288-7264  
E-mail: DesZona@DesZona.com

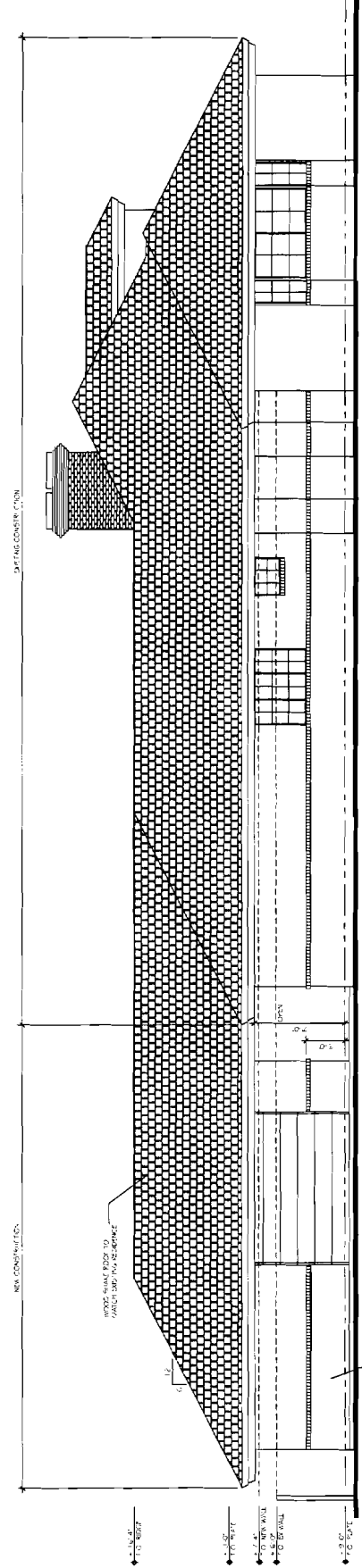
REVISIONS	DATE	CHECKED	DRAWN
1	11/14/08	SAV	SAV
2			
3			
4			
5			



Existing Rear Elevation

SCALE: 1/8\"/>

PROJECT  
Remodel / Addition for the Wehrman Residence  
2056 E. Knox Rd.  
Tempe, Arizona 85284



Existing Left Side Elevation

SCALE: 1/8\"/>

TITLE  
Exterior Elevations

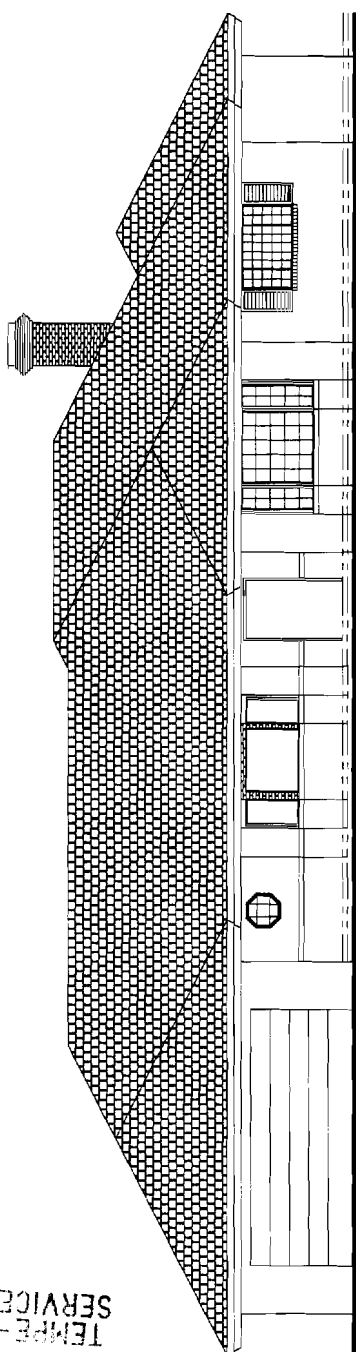
4

SHEET

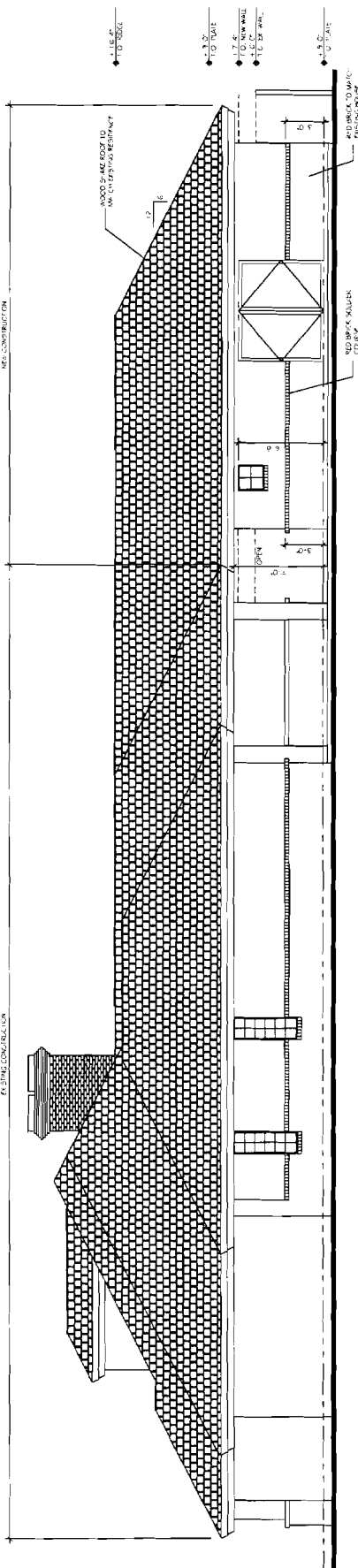
REVISIONS	DRAWN	CHECKED	DATE
46.35	46.35	46.35	46.35

DESZONA BUILT, L.L.C.  
4812 South Pearl Drive, Apache Junction, AZ, 85220  
P: (480) 288-7265 Fax: (480) 288-7264  
E-mail: DesZona@aizsystems.com

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07 MAR 28 AM 10:38  
TEMPER-DEVELOPMENT  
SERVICES DEPARTMENT



**Existing Front Elevation**

$$\mathcal{H}^1(\mathbb{R}^n) \cong \mathcal{H}^1(\mathbb{R}^n) \cong \mathcal{H}^1(\mathbb{R}^n)$$


**Existing Right Side Elevation**

100



**WEHRMAN RESIDENCE**

**2056 E KNOX RD**

**PL070028**

**REAR YARD: VIEW TO THE SOUTHEAST**





## **WEHRMAN RESIDENCE**

**2056 E KNOX RD**

**PL070028**

**FRONT OF HOME: VIEW TO THE NORTH**



**WEHRMAN RESIDENCE**

**2056 E KNOX RD**

**PL070028**

**REAR YARD: VIEW TO THE SOUTHEAST**